Page 1 of 3

DOCKET NO.: 2007-0018-MWD-E **TCEQ ID:** RN101611820 **CASE NO.:** 32114

RESPONDENT NAME: City of Big Lake

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
miles east of the intersection of U.S. Highway TYPE OF OPERATION: Wastewater treats SMALL BUSINESS:YesX_ OTHER SIGNIFICANT MATTERS: Therefacility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinated David Van Soest, Enforcement Div Respondent: The Honorable Jack	No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on June 18, 2007. No or: Ms. Melissa Keller, SEP Coordinator, Enforcement Ms. Merrilee Hupp, Enforcement Division, Enforcement Division, Enforcement	al pending enforcement actions regarding this rest in this matter. o comments were received. ent Division, MC 219, (512) 239-1768 cement Team 1, MC 169, (512) 239-4490; Mr.

RESPONDENT NAME: City of Big Lake **DOCKET NO.:** 2007-0018-MWD-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS 10 10 VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED reach it easis this in the conditions Type of Investigation: Total Assessed: \$24,850 **Corrective Actions Taken:** __ Complaint X Routine 1) The Executive Director recognizes that Total Deferred: \$4,970 ___ Enforcement Follow-up the City has implemented the following X Expedited Settlement ___ Records Review corrective measures at the Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. On October 13, 2006, ceased transferring reclaimed water to the golf Case: None SEP Conditional Offset: \$19,880 course: Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$0 Case: October 12, 2006 b. On November 28, 2006, submitted the delinquent annual sludge report for 2006 **Site Compliance History Classification** to the TCEO; Date of NOE Relating to this Case: __ High _X Average __ Poor November 28, 2006 (NOE) c. On January 9, 2007, began monitoring **Person Compliance History Classification** Background Facts: This was a routine fecal coliform on a weekly basis as High X Average Poor required by Authorization No. R10038001 investigation. Five violations were Major Source: Yes X No for Reclaimed Water: documented. d. On January 9, 2007, submitted the WATER Applicable Penalty Policy: September 2002 delinquent noncompliance reports for the effluent violations which deviated from the 1) Failed to monitor fecal coliform at least once per week, as documented during the permitted effluent limitation by more than October 12, 2006 investigation [30 Tex. 40 percent; ADMIN. CODE § 210.34 and Authorization No. R10038001 for Reclaimed Water, e. On January 15, 2007, submitted the General Requirements IV.]. delinquent Monthly Effluent Reports ("MERs") for January through September 2006 to the TCEQ; and 2) Failed to timely submit MERs for January 2006 through September 2006, as documented during the October 12, 2006 f. On January 23, 2007, submitted a request investigation [30 Tex. ADMIN. CODE § for the termination of Authorization No. 210.36(2) and Authorization No. R10038001 for Reclaimed Water which was granted on January 26, 2007. R10038001 for Reclaimed Water, General Requirements V.(a)(2)]. Ordering Provisions: 3) Failed to timely submit annual sludge report for the period ending July 31, 2006 2) The Order will require the Respondent by September 1, 2006, as documented to implement and complete a during the October 12, 2006 investigation Supplemental Environmental Project [30 Tex. ADMIN. CODE § 305.125(17) and (SEP) (See Attachment A). Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Sludge Provisions]. 4) Failed to submit noncompliance notifications for May 2006 and August 2006 [30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 7.a.]. 5) Failed to only transfer water meeting the limits described for Type II reclaimed

Page 3 of 3

RESPONDENT NAME: City of Big Lake **DOCKET NO.:** 2007-0018-MWD-E

water use, as documented during the October 12, 2006 investigation [30 Tex. ADMIN. CODE § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III.].		
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Attachment A Docket Number: 2007-0018-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Big Lake

Payable Penalty Amount:

Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)

SEP Amount:

Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Plugging Abandoned Water Wells

Location of SEP:

Reagan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to plug abandoned water wells where there is no responsible party that can be identified to plug the well.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the threat to state ground water supplies. Abandoned wells are a direct channel for contaminants to reach groundwater. This project will also reduce the safety threat abandoned wells pose to humans, livestock, and wildlife

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

City of Big Lake Agreed Order – Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Policy Revision 2 (Sep		alty (Calculatio	n Works	sheet (P		rision December 8, 2006
TCEQ DATES Assigned			04 D 2000 l	EDA D			
PCW	4-Jan-2007	screenin	g 21-Dec-2006	EPA Due			.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
RESPONDENT/FACILITY							
Respondent Reg. Ent. Ref. No.	City of Big Lake						
Facility/Site Region				Major/l	Minor Source	Minor	
CASE INFORMATION							
Enf./Case ID No.		<u>utu und delimi</u>	<u>jangan kepamatan kenalajak jalah bah</u>	No.	of Violations	5	
	2007-0018-MWD	-E			Order Type		
Media Program(s) Multi-Media				Ent		Merrilee Hupp EnforcementTea	m 1
Admin. Penalty \$		\$0	Maximum	\$10,000			
		Dan	alta Calaula	tion Coo	tion		
akali ah ay mase sa masesa dan 18 besari	gan <u>asan n</u> i sa kalendaran na manan 122 amang		alty Calcula	era, is a linear content of the content of	uon		
TOTAL BASE PENAI	LTY (Sum of vi	olation	ı base penaltie	s)		Subtotal 1	\$7,000
ADJUSTMENTS (+/-)	TO SUBTOTA	L1					
	ined by multiplying the	Total Base	ent a como a desprisor a la como de la como	y the indicated po Enhancement		otals 2, 3, & 7	\$18,550
Compliance Hist	The respondent s	self-repo	rted 45 effluent vic				ψ10,550
Notes		similar vid	olations, and was i	issued an Agr			-
		cont	aining a denial of l	lability.		<u> </u>	
Culpability	No		0%	Enhancement		Subtotal 4	\$0
Notes	The res	pondent	does not meet the	e culpability cr	iteria		· ·
Good Faith Effo	The second secon		10%	Reduction		Subtotal 5	\$700
Extraordinar		NOV to ED	PRP/Settlement Offer				
Ordinar		Х					
N/A		nark with x	·			1	
Notes			he respondent had sferring reclaimed				
Notes			prization for Reclai				
			0%	Enhancement*		Subtotal 6	\$0
Approx	Total EB Amounts . Cost of Compliance	\$43 \$890		d at the Total EB	\$ Amount		
, фргол	. Cost of Compilatios	ψοσο		AMAPANIANA TIMOTO TO THE		eret vissa associa	
SUM OF SUBTOTAL	_S 1-7			Considerations		Final Subtotal	\$24,850
OTHER FACTORS A	S HISTICE MA	Y REC	MIRE]	Adjustment	\$0
Reduces or enhances the Final				ly; e.g30 for -30] 0%.)		
NI_+							
Notes	,						
					Final Pe	nalty Amount	\$24,850
STATUTORY LIMIT	ADJUSTMENT	ijaniki:			Final Ass	essed Penalty	\$24,850
DEFERRAL				20%	Reduction	Adjustment	-\$4,970
Reduces the Final Assessed Pe	enalty by the indicted pe	ercentage.	(Enter number only; e	.g. 20 for 20% red	duction.)	"	
Notes		eferral o	ffered for expedite	ed settlement			
110.00							

PAYABLE PENALTY

\$19,880

Screening Date 21-Dec-2006

Respondent City of Big Lake

Case ID No. 32114 Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp **Docket No.** 2007-0018-MWD-E

PCW

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

Compliance History Worksheet

ompliance History Component	r Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		245%	
	Other written NOVs	0,	0%	- 1
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	State Age of	20%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	, 3 -
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federa government		0%	1
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
Addition	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Plea	se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Percentage (S	ubtotal 2)[26
epeat Violator (Su No	in the state of th	Percentage (S	uhtotal 3)	0
- Control of the Cont		c.contage (6)	4.5.10 tai 3)[
ompliance History	Person Classification (Subtotal 7)			
Average Po	erformer Adjustment F	Percentage (S	ubtotal 7)	0
ompliance History	Summary			
Compliance History Notes	The respondent self-reported 45 effluent violations, received four NOVs for same or similar was Issued an Agreed Order containing a denial of liability.	violations, and		•
	Total Adjustment Percentag	e (Subtotals	2, 3, & 7)	26

	ing Date 21-Dec-2006		:ket No. 2007-0018-MWD-E		PCW
	pondent City of Big Lake		,		n 2 (September 2002)
	e ID No. 32114			PCW Revis	ion December 8, 2006
	ence No. RN101611820				
	[Statute] Water Quality				
	rdinator Merrilee Hupp n Number 1				
		Code § 210.34 and Authoriz	ration No. R10038001 for Reclaime	ed Water,	***************************************
		General Req			201211111111111111111111111111111111111
Violation D	escription Failed to mo	nitor fecal coliform at least o October 12, 200	nce per week, as documented dur 06 investigation.	ring the	
			Bas	e Penalty	\$10,000
>> Environmental, P	roperty and Human H	***************************************			
	Release Major	Harm Moderate Minor			
OR	Actual Potential	х	Percent 10%		
>>Programmatic Ma	trix				-
Fi	alsification Major	Moderate Minor			
			Percent 0%		
F	ailure to monitor fecal colif	orm levels could expose hum	nan health or the environment to si	ignificant	
			otective of human health or enviro		
Notes		factors.	•		
_			Adi	\$9,000	
			Adjustment	\$9,000	
					\$1,000
Violation Events					
. N u	ımber of Violation Events	3	524 Number of violation day	ys	
	-				
	daily				
m	monthly nark only one quarterly		Violation Bas	se Penalty	\$3,000
	with an x semiannual	X			
	annual				
	single event				
			the July 15, 2005 issuance date of tember 21, 2006 screening date.	the	
<u> </u>	, tationzation for	, to stanting training to the boo	21, 2500 501001mig auto.		wood-and-oncore
Economic Benefit (E	EB) for this violation		Statutory Limit Te	est	
-	Estimated EB Amount	\$37	Violation Final Per	naity Total	\$10,650
· ·		This violation Fi	nal Assessed Penalty (adjusted	for limits)	\$10,650
			The state of the s		7.0,000

Violation No.					67 174.04	Percent Interest	Years of
	1				7 (17)	5.0	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
in the period		7.5 St. 18 St.					-
Delayed Costs_		y's survivable					
Equipment [e en medicana a company	0.0	\$0	\$0	\$0
Buildings			· · · · · · · · · · · · · · · · · · ·	0.0	\$0	. \$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	. \$0	\$0	\$0
Land	0.600.000.000			0.0	\$0	n/a	\$0
Record Keeping System	4700			0,0	\$0	n/a	\$0
Training/Sampling	\$500	15-Jul-2005	9-Jan-2007	1.5	\$37	n/a	\$37
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	·			0.0	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.0	\$0	n/a	\$0
Notes for DELAYED costs	data the Deel					a monitoring, Date	required is the
Avoided Costs Disposal				ntering	the final date is that	at date compliance vone-time avoided c	vas achieved. osts) \$0
Disposal Personnel			d costs before e	ntering 0.0 0.0	Item (except for \$0 \$0	one-time avoided o	vas achieved. sosts) \$0 \$0
Disposal Personnel Suppose Personnel Disposal Personnel Disposal Personnel Disposal Personnel Personnel Disposal			d costs before e	ntering 0.0 0.0 0.0	Item (except for \$0 \$0 \$0 \$0	at date compliance v	vas achieved. sosts) \$0 \$0 \$0
Disposal Personnel Respection/Reporting/Sampling Supplies/equipment			d costs before e	ntering 0.0 0.0 0.0 0.0	Item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	vas achieved. sosts) \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			d costs before e	ntering 0.0 0.0 0.0 0.0 0.0	Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	at date compliance v	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			d costs before e	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the final date is the lem (except for some some some some some some some some	at date compliance vone-time avoided compliance vone-time avoided complex so	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			d costs before e	ntering 0.0 0.0 0.0 0.0 0.0	Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	at date compliance v	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			d costs before e	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the final date is the lem (except for some some some some some some some some	at date compliance vone-time avoided compliance vone-time avoided complex so	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date	21-Dec-2006	Docke	et No. 2007-0018-MWD-E	PCW
Respondent				Policy Revision 2 (September 2002)
Case ID No.				PCW Revision December 8, 2006
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator	Merrilee Hupp			
Violation Number	2			·
Rule Cite(s)	30 Tex. Admin.	Code § 210.36(2) and Author Water, General Requir	rization No. R10038001 for Rec rements V.(a)(2)	Blaimed
Violation Description	Failed to timely September 2	submit Monthly Effluent Repo 2006, as documented during t	orts ("MERs") for January 2006 the October 12, 2006 investigat	through ion.
			Bas	e Penalty \$10,000
>> Environmental, Property a	nd Human Hea	ilth Matrix		
		larm		· · · · · · · · · · · · · · · · · · ·
Release OR Actual Potential		oderate Minor	Percent 0%	
				and the second s
>>Programmatic Matrix	Maile Ma	-dt- Minau		THE PROPERTY OF THE PROPERTY O
Falsification	Major Mo	oderate Minor	Percent 1%	**************************************
<u> </u>	<u> </u>	X	reicent 176	CONTRACTOR
Matrix Notes	Most, but not all	(about 30 percent) of the per	mit requirement was met.	
			Adjustment	\$9,900
ware the contraction of the cont			'	\$100
research to the second				
Violation Events				
Number of Vic	olation Events	9	Number of violation da	ys
	daily			
one of the second	monthly			
mark only one	quarterly		Violation Bas	se Penalty \$900
with an x	semiannual		•	
	annual			
	single event	X		
	Nine sing	le events are recommended f	for the nine reports.	
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st
Estimate	d EB Amount	\$4]	Violation Final Per	nalty Total \$3,195
		This violation Fina	I Assessed Penalty (adjusted	for limits) \$3,195

Respondent City of Big Lake Case ID No. 32114 Reg. Ent. Reference No. RN101611820 Media Water Quality Violation No. 2 Item Cost Date Required Final Date Yrs Interest Saved Depreciation Item Description. No commas or \$ Delayed Costs Equipment Distriction No. 2 Distriction No. 2 Delayed Costs Equipment Distriction No. 2 Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Notes for AVOIDED costs Approx. Cost of Compliance \$90 TOTAL \$4 Approx. Cost of Compliance		E	conomic l	Benefit W	orks	sheet		
Reg. Ent. Reference No. RN101611820 Media Water Quality Violation No. 2 Date Required Final Date Yrs Interest Saved Depreciation 5.0 15	Respondent	City of Big Lake				100		1.44517
Violation No. 2 Percent Interest Percent Interest Interest Percent Interest Percent Interest Percent Interest Percent Interest Percent Interest Percent Interest Per								5 - 4 - 1 - 1
Item Cost							1 · 1 · 1	
Notes for DELAYED costs						4 - 54	Percent Interest	
Item Description No commas or \$ No commas or \$	Violation No.	2						Depreciation
Delayed Costs							5.0	15
Delayed Costs Equipment		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs Equipment	Item Description	No commas or \$						
Sequence	The state of the s	. Ariana rana dia tanà		***************************************		V 10 11 11		***
Equipment Buildings	Delayed Costs							
Cither (as needed) Engineering/construction					0.0	\$0	\$0	\$0
Engineering/construction Land	Buildings				0.0	\$0		\$0
Land			1. 1. 1. 1. 1. 1					
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs Notes for AVOIDED costs O.0 \$0 n/a	Engineering/construction	Same and the	1 - 6 - 461 - 6 2 - 1 - 500 T					
Training/Sampling		ATA SEMINASE						
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TiME avoided costs Notes for AVOIDED costs Notes for AVOIDED costs Notes for AVOIDED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TiME avoided costs [3] Other (as needed) Notes for AVOIDED costs								
Permit Costs Other (as needed) Notes for DELAYED costs Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Other (as needed) \$90 20-Feb-2006 15-Jan-2007 0.9								
Notes for DELAYED costs Notes for DELAYED costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel Inspection/Reporting/Sampling								
Cost is estimate for the preparation and administrative costs associated with the submittal of monthly reports. Date required is when the January 2006 report was due and the final date is when the reports were received. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	-							
Avoided Costs AVOIDED costs Date required is when the January 2006 report was due and the final date is when the reports were received. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Date required is when the January 2006 report was due and the final date is when the reports were received. Date required is when the January 2006 report was due and the final date is when the reports were received. Barbara (except for one-time avoided costs) 1 0.0 \$0 \$0 \$0 1 0.0 \$0 \$0 2 0.0 \$0 3 0.0 \$0 4 0.0 \$0 5 0.0 \$0	Other (as needed)	\$90	20-Feb-2006	15-Jan-2007	0.9	<u> \$4 </u>	n/a	\$4
Disposal Personnel 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0		Date required	is when the Janu	ary 2006 report w	as due a	and the final date is	s when the reports v	vere received.
		ANNU	JALIZE [1] avoide	ed costs before e		**************************************		
				10 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -				
	1 11 11 11 11 11 11 11 11 11 11 11 11 1	1.5.	I.N	10. 10. 10.				
ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs								
Other (as needed) Notes for AVOIDED costs								
Notes for AVOIDED costs								
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	Notes for AVOIDED costs							
	·			and the second				i eniea
Approx. Cost of Compliance \$90 TOTAL \$4	4			7				4
	Approx, Cost of Compliance		\$90			TOTAL		\$4
•	- 4-4		φου					Ψ.

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Screening Date	21-Dec-2006	Docket I	No. 2007-0018-MWD-E	PCW
	City of Big Lake		Poli	cy Revision 2 (September 2002)
Case ID No.			P	CW Revision December 8, 2006
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator				
Violation Number Rule Cite(s)		o 8 205 125(17) and TDDES	Permit No. WQ0010038001, Sludg	
Nuie Olle(3)	Jo Tex. Admin. Coc	Provisions	r chille 146. W Q 00 100 300 0 1, Olday	
Violation Description	Failed to timely su September 1, 20	bmit annual sludge report for 06, as documented during the	the period ending July 31, 2006 by October 12, 2006 investigation .	
			Base Pena	alty \$10,000
>> Environmental, Property a	and Human Health	n Matrix		
	Har			
Release OR Actual		rate Minor		
Potential	<u> </u>		Percent 0%	
	1		handle of the second of the se	•
>>Programmatic Matrix				
Falsification	Major Mode		Davisont 10/	
		X	Percent 1%	
Matrix Notes	Most, but not all (al	pout 70 percent) of the permit	requirement was met.	
			Adjustment \$9,	900
70000000000000000000000000000000000000				\$100
Violation Events				
Number of Vi	olation Events 4	89	Number of violation days	
Number of Vi	olation Events 1		Indiffiber of violation days	
- 4	daily			
NI DESCRIPTION	monthly			0.100
mark only one with an x	quarterly		Violation Base Pen	alty \$100
	semiannual			
	single event x			
	C	one single event is recommen	ded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$1	Violation Final Penalty To	otal \$355
				•
		This violation Final As	sessed Penalty (adjusted for lim	nits) \$355

	Ε	conomic	Benefit W	orks	sheet			
Respondent)			1 74 . 41			
Case ID No.	32114							
Reg. Ent. Reference No.	RN101611820					(or the same	
Media	Water Quality				4- A Co.	Percent Interest	Years of	200
Violation No.	3				17474	reicent interest	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$							
t e e e e e e e e e e e e e e e e e e e	- 11 - 11 - 11 - 11 - 11 - 11 - 11 - 1	er andere e de	r cachbirt d	1		(), (j.);5360	***	
Delayed Costs		11111	earl .				STATE OF BOOKING BY	
Equipment		1		0.0	\$0	\$0	\$0	
Buildings				0.0	\$0	*\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction		Transport District	All of the April 1	0.0	\$0	\$0	\$0	
Land		and a return the	ath and tricitoral error	0.0	\$0	n/a	\$0	
Record Keeping System				0.0	\$0	n/a	\$0	
Training/Sampling				0.0	\$0	n/a	\$0	
Remediation/Disposal	ar arthurst a con-			0.0	\$0	n/a	\$0	
Permit Costs				0.0	\$0	n/a	\$0	
Other (as needed)	\$50	1-Sep-2006	28-Nov-2006	0.2	\$1	n/a	\$1	
Notes for DELAYED costs	sludge	report. Date requir	red is the due date	and fina	al date is the subm	etion and submittal littal date of the 200	6 report.	1.1%
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e		01010000000000000000000000000000000000	one-time avoided o		
Disposal				0.0	\$0	\$0	\$0	
Personnel	1981	. 1.1.1		0.0	\$0	\$0	\$0	
Inspection/Reporting/Sampling			the first term of the	0.0	\$0 \$0	\$0 \$0	\$0 \$0	
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0 \$0	\$0	
ONE-TIME avoided costs [3]				0.0	\$0	\$0 \$0	\$0	11
Other (as needed)				0.0	\$0	\$0 \$0	\$0	
Other (as needed)		<u> </u>		0.0	1 40	<u> </u>	- 40	
" -			and the second second				- 1	
Notes for AVOIDED costs						er of the		
;	<u> </u>		<u></u>		<u> </u>			
#								
Approx. Cost of Compliance		\$50			TOTAL		\$1	

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A CONTROL NAME OF STREET

Scree	ning Date 21-	-Dec-2006	y filozofi farbitation	Docket No.	. 2007-0018-MWD-E		PCW
	spondent Cit					Policy Rev	rision 2 (September 2002)
	ase ID No. 32					PCW Re	evision December 8, 2006
Reg. Ent. Refe							
	i [Statute] Wa						***************************************
F	ordinator Me						
	ion Number	4	1 0 005 405(4)	T-55-5-5		1	
	Rule Cite(s) 30	Tex. Admin. Co		g Requirements	it No. WQ0010038001, Mo s No. 7.a	onitoring	
Violation	Description F				months of May 2006 and 12, 2006 investigation.	August	
					Base	Penalty	\$10,000
>> Environmental,	Property and	l Human Hea	ılth Matrix				***************************************
Lillinginionian,			-larm				
OR	Release Actual Potential	Major Mo	oderate Minor		Percent 0%		
	Potential		1		Percent 076		
>>Programmatic M	latrix Falsification	Major Mo	oderate Minor				
		x			Percent 10%		200000000000000000000000000000000000000
Matrix Notes			100% of the requirer	ment was not m	et.		
						0000	
					Adjustment	\$9,000	
						Ĺ	\$1,000
	Alexandra estados esta						•
Violation Events							
N	Number of Violati	ion Events	2	199	Number of violation day	s	
		daily			•		
www.		monthly quarterly			Violation Base	e Penalty	\$2,000
		emiannual					
	Si	annual ngle event	x				· :
	Two si	ngle events are	recommended for th	ne May and Aug	ust 2006 missing reports.		
	. ,,, 5 611						
Economic Benefit	(EB) for this	violation			Statutory Limit Tes	st	
	Estimated E	B Amount	1	\$1	Violation Final Pena	alty Total	\$7,100
***************************************		-		ion Floride	and Daught / dist	 	67.400
			i his violat	ion Final Asse	ssed Penalty (adjusted f	or limits)[\$7,100

	E	conomic l	Benefit W	orks	sheet	34	
Respondent		9		.,,	-,	***************************************	toga NV
Case ID No.					44T)		
eg. Ent. Reference No.							
	Water Quality				(1 Accept	Percent Interest	Years of
Violation No.	4		30.000 mos- 00.000 moseon ner 2 m nogemen moseon	and a contract of the contract of			Depreciation
						5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			1000			
	10 10 10 10 14 15 15 15 15				District Contract of the	C ALL CAPAGOS	10.7
Delayed Costs							
Equipment				0.0	\$0	√\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			a secondada vite i	0.0	\$0	\$0	\$0
Land		at give the record	والمتعد شوردهام هرر	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0		
· · · · · · · · · · · · · · · · · · ·						n/a	\$0
Permit Costs	450		0.1.0007	0.0	\$0	n/a	\$0
	\$50	5-Jun-2006	9-Jan-2007	0.0	\$0 \$1	n/a n/a	\$0 \$1
Permit Costs Other (as needed) Notes for DELAYED costs	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 reportir	\$0 \$1 ng requirement. D noncompliant notif	n/a n/a ate required is whe loations were recelv	\$0 \$1 n the first written /ed.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0,0 0,6 reporting	\$0 \$1 ng requirement. Dononcompliant notif	n/a n/a ate required is when dations were recelve	\$0 \$1 n the first written /ed.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reporting the two reporting	\$0 \$1 ng requirement. Dononcompliant notif	n/a n/a ate required is whe loations were recelv one-time avoided of	\$0 \$1 n the first written /ed.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r	\$0 \$1 ng requirement. D noncompliant notif	n/a n/a ate required is wheleations were recelved. one-time avoided of \$0 \$0	\$0 \$1 n the first written /ed.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 reporting the two reporting 0.0 0.0	\$0 \$1 or requirement. Displaying requirement. Display	n/a n/a ate required is where received a solution one-time avoided a solution one-time	\$0 \$1 n the first written red. costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 reporting the two reporting 0.0 0.0 0.0	\$0 \$1 or requirement. Dononcompliant notif item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ate required is where received a so	\$0 \$1 n the first written red. Costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0,0 0,6 e reportir the two r entering 0,0 0,0 0,0 0,0	\$0 \$1 oncompliant notif item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ate required is wheledations were received. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written red. costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written /ed. costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0,0 0,6 e reportir the two r entering 0,0 0,0 0,0 0,0	\$0 \$1 oncompliant notif item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ate required is wheledations were received. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written red. costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written /ed. costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written /ed. costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written /ed. costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written red. costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Cost reflects ac	dministrative cost a port was due and f	ssociated with the	0.0 0.6 e reportir the two r entering 0.0 0.0 0.0 0.0 0.0	\$0 \$1 or requirement. Do noncompliant notification in the second	n/a n/a n/a ate required is wheleations were recelv one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1 n the first written /ed. costs) \$0 \$0 \$0 \$0

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Screening Date	21-Dec-2006	Docket No. 2007-0018-MWD-E	PCW
Respondent	City of Big Lake	Policy Re	rision 2 (September 2002)
Case ID No.		PCW R	evision December 8, 2006
Reg. Ent. Reference No.	RN101611820		
Media [Statute]	Water Quality		
Enf. Coordinator			
Violation Number	<u> </u>		
Rule Cite(s)	30 Tex. Admin.	Code § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III	
Violation Description		transfer water meeting the limits described for Type II reclaimed water , as documented during the October 12, 2006 investigation.	
		Base Penalty[\$10,000
>> Environmental, Property	and Human He	ealth Matrix	
Liviloinnemai, Property	and maman ne	Harm	
Release		Moderate Minor	
OR Actua		X Bouncet 400/	
Potentia		Percent 10%	
>>Programmatic Matrix			
Falsification	Major N	Moderate Minor	
		Percent 0%	
Matrix Notes Reclaimed w	ater transferred to vironment to insigr	a golf course without meeting the required limits exposed human health ificant amounts of pollutants which do not exceed levels protective of human health or environmental factors.	
		Adjustment \$9,000	
			01.000
***************************************			\$1,000
Violation Events			
Number of Vi	olation Events	1 70 Number of violation days	

	daily		
mark only one	monthly	Violation Base Penalty	\$1,000
with an x	semiannual	- Totalion Date Forming	* - ,
www.	annual		
***************************************	single event	X	
One	single event is rec	commended based upon the October 12, 2006 investigation date.	
Economic Benefit (EB) for the	nis violation	Statutory Limit Test	
	JED 4	(A) W	¢3 EEA
Estimate	ed EB Amount	\$0 Violation Final Penalty Total	\$3,550
		This violation Final Assessed Penalty (adjusted for limits)	\$3,550

	E	conomic I	3enefit W	orks	sheet		and the second	
Respondent	City of Big Lake	Ð					1.5	
Case ID No.	32114						****	
Reg. Ent. Reference No.	RN101611820						to the say	
Media	Water Quality				. 16	Percent Interest	Years of	170
Violation No.					100	Percent Interest	Depreciation	
				74	1000	5.0	15	i
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$							
The second secon	in the second se							
Delayed Costs		114 (22) (31) (31)						
Equipment				0.0	\$0	\$0	\$0	
Buildings				0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction			- 100 Part - 2187 Ta	0.0	\$0	\$0	\$0	ì
Land		M., 41 (MB MAN)	and grandad prensi	0.0	\$0	n/a	\$0	
Record Keeping System				0.0	\$0	n/a	\$0	
Training/Sampling				0.0	\$0 \$0	n/a n/a	\$0 \$0	
Remediation/Disposal Permit Costs				0.0	\$0	n/a n/a	\$0 \$0	ľ
Other (as needed)	\$200	12-Oct-2006	13-Oct-2006	0.0	\$0	n/a	\$0	
Notes for DELAYED costs		ed by the authoriza		ferring th	ne water to the gol	eclaimed water mee f course. Date requ		
		investigation		date is	when compliance	was achieved.		
Avoided Costs	ANN		d costs before		£ 0 × 17 2	was achieved. one-time avoided o	costs)	
Avoided Costs Disposal	ANN		d costs before e		item (except for		\$0	
	ANN		d costs before e	ntering 0.0 0.0	Item (except for \$0 \$0	one-time avoided o	\$0 \$0	***************************************
Disposal Personnel Inspection/Reporting/Sampling	ANN		d costs before e	0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0	***************************************
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		d costs before e	0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	
Disposal Personipel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		d costs before o	0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	maanimamamamamamamamamamamamamamamamamam
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personipel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0		\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	

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Compliance History

Customer	/Respondent/Owner-Operator:	CN600671341	City of	Big Lake		Classification: AVERAGE	Rating: 3.89		
Regulated	l Entity:	RN101611820	BIG L	AKE WTP		Classification: AVERAGE	Site Rating: 4		
ID Numbe	or(s):	WASTEWATER WASTEWATER WASTEWATER	LIOTNO		PERMIT PERMIT PERMIT		WQ0010038001 TPDES0023426 TX0023426		
Location:		WASTEWATER 530 ft. s. of U.S. HW HWY. 67 and State	/Y 67, appi	ox. 1.14 mi. e. of the i	LICENSE ntersect. of U.S.	Rating Date: 9/1/2006 Rep	WQ0010038001 eat Violator: NO		
TCEQ Re	gion:	REGION 08 - SA				(
Date Com	pliance History Prepared:	December 19, 20	06						
Agency D	ecision Requiring Compliance History	: Enforcement							
Complian	ce Period:	December 19, 20	001 to Dec	cember 19, 2006					
TCEQ Sta	aff Member to Contact for Additional Ir	formation Regarding	this Comp	oliance History					
Name:	Merrilee G. Hupp	Ph	none:	512-239-4490		·			
		Site C	omplia	nce History Com	ponents				
2. Has the	e site been in existence and/or operati ere been a (known) change in ownersl who is the current owner?	-	-	-	Yes No N/A		-		
4. if Yes,	who was/were the prior owner(s)?				N/A				
5. When	did the change(s) in ownership occur	?			N/A		_		
Compo	nents (Multimedia) for the Site :								
A.	Final Enforcement Orders, court judg	gements, and consent	decrees	of the state of Texa	s and the federa	I government.			
	Effective Date: 03/21/2005		AE	MINORDER 2004	-0311-MWD-E				
	30 TAC (Chapter 26, SubChap Chapter 305, SubChap Limit PERMIT	pter F 305	5.125(1)	by a TCEQ recoi	rd review of self-reported			
_									
B.	Any criminal convictions of the state N/A	of Texas and the fede	eral gover	nment.					
C.	Chronic excessive emissions events	i.							
0.	N/A	•							
D.	The approval dates of investigations 1 04/19/2002 (167693) 2 04/16/2003 (167694) 3 06/06/2002 (167697) 4 11/24/2004 (382767) 5 07/22/2005 (441595)	. (CCEDS Inv. Track.	No.)						
	6 08/22/2005 (441596) 7 12/20/2004 (382768) 8 09/26/2005 (441597) 9 01/24/2005 (382769) 10 06/24/2002 (167700)								
	11 07/18/2002 (167703) 12 08/19/2002 (167706) 13 09/20/2002 (167709)								

14 03/01/2006 (469970) 15 10/28/2002 (167712)

18 11/21/2002 (167715)

16 03/21/2005 17 04/21/2005

19 05/23/2005

(420575)

(420576)

(420577)

```
20 06/21/2005
                  (420578)
21 10/24/2005
                  (469971)
 22 12/27/2002
                  (167718)
 23 11/24/2003
                  (250356)
 24 01/17/2002
                  (167720)
 25 01/27/2003
                  (167721)
 26 11/23/2005
                  (469972)
 27 08/29/2003
                  (148962)
 28 12/27/2005
                  (469973)
 29 07/24/2006
                  (521199)
 30 08/26/2004
                  (292007)
 31 02/25/2004
                  (299414)
 32 03/24/2003
                  (299415)
 33 03/31/2004
                  (299416)
                  (299417)
 34 04/22/2004
 35 06/16/2003
                  (299418)
 36 07/16/2003
                  (299419)
    08/22/2003
 37
                  (299420)
 38 11/28/2006
                  (515600)
 39
    09/15/2003
                  (299421)
 40 10/27/2003
                  (299422)
 41
     05/24/2004
                  (353735)
42 05/02/2006
                  (499155)
 43
     11/20/2003
                  (299423)
 44
     06/24/2004
                  (353736)
 45
     05/22/2006
                  (499156)
     12/22/2003
                  (299424)
 46
 47
     07/26/2004
                  (353737)
 48
     06/30/2006
                  (499157)
 49
     01/22/2004
                  (299425)
 50
     08/23/2004
                  (353738)
 51
     08/12/2005
                  (404502)
 52
     09/22/2004
                  (353739)
 53
     02/28/2006
                  (453973)
 54
     02/27/2002
                  (167686)
 55
     02/20/2003
                  (167687)
 56
     10/27/2004
                  (353740)
 57
     04/04/2002
                  (167689)
     05/21/2003
                  (382766)
```

Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2002 (167693)

E.

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 03/31/2003 (167694)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (382766)

Citation:

Self Report? YES Classification: Moderate

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

Date: 10/31/2004 (382767)

Classification: Moderate Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (382769) total suspended solids (TSS), and pH.

Self Report? NO

Citation:

30 TAC Chapter 319, SubChapter A 319.7(c)

Description:

Failure to maintain a temperature log for the refrigerator that is used to store composite

samples before shipping.

Date: 06/30/2002

(167703)Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26,121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2002

(167706)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G] Description:

Date: 08/31/2002

Failure to meet the limit for one or more permit parameter

(167709)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2002

(167712)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2005

(420575)

Self Report? YES

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2005

(420576)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 01/31/2006 Failure to meet the limit for one or more permit parameter

(469970)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2002

(167715)

Self Report? YES

Classification: Moderate

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Date: 04/30/2005

Failure to meet the limit for one or more permit parameter

30 TAC Chapter 305, SubChapter F 305.125(1)

Self Report? YES

(420577)

Citation:

Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2005

(420578)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/12/2005

(404502)

Self Report? NO

Classification: Moderate

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305:125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/29/2003 (148962)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

Description: Failure to meet permit limitations for five-day biochemical oxygen demand (BOD5) daily

average, total suspended solids (TSS) daily average, and pH single grab maximum.

Self Report? NO Classification: Moderate 1 1,450

Citation: 30 TAC Chapter 305, SubChapter F 305,125(1)

Rgmt Prov: PERMIT IA

Description: Failure to monitor five-day biochemical oxygen demand (BOD5) and total suspended

solids (TSS) by composite sample.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to conduct required pH monitoring within the required holding time.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to maintain a plant inspection log.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to provide documentation of calibration for pH instrumentation.

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to provide equipment which measures the application rates and maintain records

of the volume of effluent applied as irrigation water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Ramt Prov: PERMIT IA

Description: Failure to complete and/or submit Discharge Monitoring Reports forms (DMRs) for

sludge use and disposal activities.

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to maintain automatic flow measuring device or document calibration.

Date: 05/31/2002

Classification: Moderate Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/27/2004

Self Report? NO Classification: Moderate Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov:

Description: Failure to maintain automatic flow measuring device or document calibration.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to meet the permit limitation for a single grab sample for the parameter of

dissolved oxygen (DO). Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305,125(1)

Rgmt Prov: PERMIT IA Description: Failure to meet the permit limit for 5-day biochemical oxygen demand (BOD5), Citation:

30 TAC Chapter 319, SubChapter A 319.7(c)

Description:

Failure to maintain a temperature log for the refrigerator that is used to store composite

samples before shipping.

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov:

PERMIT IA

Description:

Failure to maintain the final effluent flow meter calibration so as to ensure accurate

measurements

Self Report? NO Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

Description:

Failure to collect the correct sample type for effluent monitoring.

Self Report? NO

Classification: Minor

Classification: Minor

Citation:

30 TAC Chapter 319, SubChapter A 319.5(b)

Rgmt Prov:

PERMIT IA

Description:

Failure to conduct monitoring of pH at the required interval.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 319, SubChapter A 319.11(b)

Description:

Failure to meet the hold time for pH monitoring. Classification: Moderate

Self Report? NO Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:

PERMIT IA

Description:

Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40% to the San Angelo Region Office and the Enforcement Division (MC 224) within 5 days of becoming aware of the

noncompliance

Self Report? NO

30 TAC Chapter 319, SubChapter A 319.7(c)

Citation: Description:

Failure to maintain a calibration log for the pH meter.

Date: 11/30/2002

(167718)

Self Report? YES

Classification: Moderate

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2002

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter Date: 02/28/2006

(453973)

(167721)

Self Report? NO

Classification: Moderate

Citation: Rqmt Prov:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40% to the San Angelo Region Office

and the Enforcement Division (MC 224) within 5 days of becoming aware of the

noncompliance

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

Description:

Failure to maintain the final effluent flow meter calibration so as to ensure accurate

measurements.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 210, SubChapter C 210.33(2)(B)

Description:

Failure to monitor fecal coliform as required by the City of Big Lake's Reclaim Water

Authorization.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 210, SubChapter C 210.36(2)[G]

Description:

Failure to complete and submit Monthly Effluent Report (MER) forms required by the

City of Big Lake's Reclaim Water Authorization.

Date: 10/31/2005

(469972)

Self Report? YES

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/30/2006

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/31/2004

Self Report? YES

(299414)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2003

(299415)

Self Report? YES Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (441595)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2004

(299417)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305,125(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2005

(469973)

Self Report? YES

Classification: Moderate

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2003 (299418)

Self Report? YES

Classification: Moderate

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/30/2003

(299419)

Self Report? YES

Classification: Moderate

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2003

(299420)

Self Report? YES

Classification: Moderate

Citation:

Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Date: 08/31/2005

Failure to meet the limit for one or more permit parameter

Self Report? YES

(441597)

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003

(299421)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2003

(299422)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/30/2004

(353735)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2006

(499155)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 10/31/2003 Failure to meet the limit for one or more permit parameter

Self Report? YES

(299423)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2004

(353736)

(499156)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 11/30/2003

(299424)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/30/2004

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2006

(499157)

(353737)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 12/31/2003 Failure to meet the limit for one or more permit parameter

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2004

(353738)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 08/31/2004

(353739)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/31/2003

(167687)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/30/2004

(353740)

Self Report? YES

Classification: Moderate

Classification: Moderate

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2002

(167689)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

١. Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	· §	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF BIG LAKE	§	
RN101611820	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0018-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Big Lake ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a wastewater treatment facility 530 feet south of United States ("U.S.") Highway 67, approximately 1.14 miles east of the intersection of U.S. Highway 67 and State Highway 137, in Reagan County, Texas (the "Facility").
- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 2, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Four Thousand Eight Hundred Fifty Dollars (\$24,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Four Thousand Nine Hundred Seventy Dollars (\$4,970) is deferred contingent

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upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. On October 13, 2006, ceased transferring reclaimed water to the golf course;
 - b. On November 28, 2006, submitted the delinquent annual sludge report for 2006 to the TCEQ;
 - c. On January 9, 2007, began monitoring fecal coliform on a weekly basis as required by Authorization No. R10038001 for Reclaimed Water;
 - d. On January 9, 2007, submitted the delinquent noncompliance reports for the effluent violations which deviated from the permitted effluent limitation by more than 40 percent;
 - e. On January 15, 2007, submitted the delinquent Monthly Effluent Reports ("MERs") for January through September 2006 to the TCEQ; and
 - f. On January 23, 2007, submitted a request for the termination of Authorization No. R10038001 for Reclaimed Water which was granted on January 26, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

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II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to monitor fecal coliform at least once per week, as documented during the October 12, 2006 investigation, in violation of 30 Tex. ADMIN. CODE § 210.34 and Authorization No. R10038001 for Reclaimed Water, General Requirements IV., as documented during an investigation conducted on October 12, 2006.
- 2. Failed to timely submit MERs for January 2006 through September 2006, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 210.36(2) and Authorization No. R10038001 for Reclaimed Water, General Requirements V.(a)(2), as documented during an investigation conducted on October 12, 2006.
- 3. Failed to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Sludge Provisions, as documented during an investigation conducted on October 12, 2006.
- 4. Failed to submit noncompliance notifications for May 2006 and August 2006 as documented during the October 12, 2006 investigation, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 7.a.
- 5. Failed to only transfer water meeting the limits described for Type II reclaimed water use, as documented during the October 12, 2006 investigation, in violation of 30 Tex. ADMIN. CODE § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III., as documented during an investigation conducted on October 12, 2006.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Big Lake, Docket No. 2007-0018-MWD-E" to:

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Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with Tex. Water Code § 7.067. As set forth in Section I, Paragraph 6 above, Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City 's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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City of Big Lake DOCKET NO, 2007-0018-MWD-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		
Alu Sallie	8/20/2007	
For the Executive Director	Date	

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
 and
- TCEQ seeking other relief as authorized by law.

City of Big Lake

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Jack D. Blakely

Name (Printed or typed)

Authorized Representative of

Instructions: Send the original signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order.

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Attachment A Docket Number: 2007-0018-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

City of Big Lake

Payable Penalty Amount:

Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)

SEP Amount:

Respondent:

Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Plugging Abandoned Water Wells

Location of SEP:

Reagan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to plug abandoned water wells where there is no responsible party that can be identified to plug the well.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the threat to state ground water supplies. Abandoned wells are a direct channel for contaminants to reach groundwater. This project will also reduce the safety threat abandoned wells pose to humans, livestock, and wildlife

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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City of Big Lake Agreed Order - Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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City of Big Lake Agreed Order – Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.